

PROPERTY ASSESSMENT APPEAL BOARD
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

PAAB Docket No. 2015-077-00905R

Parcel No. 170/00444-006-000

Shannon Waskal,

Appellant,

v.

Polk County Board of Review,

Appellee.

Introduction

This appeal came on for hearing before the Property Assessment Appeal Board (PAAB) on February 29, 2016. Shannon Waskal was self-represented. Assistant County Attorney Mark Taylor represented the Polk County Board of Review.

Waskal is the owner of a one-story, residential dwelling located at 8131 NE 50th Avenue, Altoona. The subject property was built in 2012 and has 1514 total square feet of living area, a full basement with 278 square feet of living-quarters finish, and an 858 square-foot attached garage. It also has an open porch, deck, and patio. The dwelling is listed in normal condition and with good quality construction (Grade 3+00). The site is 1.35 acres. (Exs. D & F).

The property's January 1, 2015, assessment was \$274,400, allocated as \$55,900 in land value and \$218,500 in improvement value. Waskal's protest to the Board of Review claimed the assessment was not equitable as compared with assessments of other like property under Iowa Code sections 441.37(1)(a)(1)(a). The Board of Review denied the petition.

Waskal then appealed to PAAB. She believes the subject property's correct assessment is \$245,000.

Findings of Fact

Waskal testified that she purchased the site in May 2012 for \$45,000. The dwelling was then custom built and secured by a mortgage of \$251,750 in February 2013. (Exhibit E). She explained the subject property was outside the city limits of Altoona, but similar to homes in the southeast area of the city.

Waskal noted the increase in assessed value jumped approximately 26% in one year, and she does not believe that increase is justified. She noted they made no changes to the property.

Between her petition to the Board of Review and PAAB appeal, Waskal identified six, one-story properties, she considered comparable to hers. (Exs. B & C). All of the properties have lower assessments, but none were recent sales.

Comp #	Address	Year Blt	Site Acres	Grade	TSFLA	Basement Fin	Garage SF	2015 AV
Subject	8131 NE 50th Ave	2012	1.350	3+00	1514	278 LQ	858	\$274,500
1	8586 NE 50 th Ave	2006	0.919	3+00	1752	120 AV	924	\$255,900
2	8722 NE 50 th Ave	2006	0.919	3-05	1836	0	936	\$241,000
3	5102 NE 88th St	2001	0.919	3-10	1580	0	956	\$227,600
4	1404 Lake Shore Cir SE	2009	0.298	2+10	1576	45 LQ	604	\$244,700
5	1621 17th St SE	2010	0.161	3-05	1607	1000 LQ	628	\$234,500
6	938 15th St SE	2012	0.253	3+00	1577	0	722	\$225,300

Waskal believes 8722 NE 50th Avenue is the most similar to hers with similar square footage, features, and garage space. She notes, however, that it is six years older than hers. Some of the properties are located inside the Altoona city limits, whereas their property is just outside the City limits.

Amy Rassmussen testified for the Board of Review. She identified differences between the properties Waskal selected and the subject property that ultimately affect the difference in valuation between the properties for these amenities. She noted all of the comparables have smaller site sizes. She also noted some of the differences between the subject property and other properties including bathroom counts, patios, porches, etc., which affect the differences in value.

Waskal also identified five sales of properties she believed were comparable to her property. (Exs. 1-5).

Address	Year Built	Site	Grade	TSFLA	Basement Fin	Garage	Assessment	Sales Price	Sale Date
1132 15th Ave SE	2013	0.204	3+00	1577	1288	722	\$220,100	\$260,280	4/2015
930 15th Ave SE	2013	0.274	3+00	1635	355	660	\$234,000	\$236,000	9/2014
1410 12th St SE	2010	0.31	3-05	1593	0	883	\$226,400	\$280,000	8/2015
1629 17th St SE	2010	0.161	3-05	1437	845	684	\$215,400	\$180,000	7/2011
1739 17th St SE	2011	0.152	3-10	1385	700	630	\$198,900	\$215,850	2/2012

Only one sale, located at 930 15th Avenue SE, occurred in 2014, and 2014 sales are necessary to compare to 2015 assessments for an equity analysis. (Exs. 2 & G). That property sold for \$236,000 in October 2014 and has a 2015 assessment of \$234,000. One comparable sale is insufficient to complete an assessment/sales ratio for equity analysis.

In the certified record, the Board of Review Appraiser Analysis identified three properties the Assessor's Office appraiser believed were similar to Waskal's property in age, grade, location, and living area. The information is summarized in the chart below.

Address	Year Built	Grade	TSFLA	Base Fin	Garage SF	2015 AV	AV PSF
Subject	2012	3+00	1514	278 LQ	858	\$274,500	\$181.31
8217 NE 50th Ave	2013	3+00	1548	388	624	\$302,700	\$195.54
8109 NE 50th Ave	2012	3+05	1714	0	552	\$269,400	\$157.18
8694 NE 50th Ave	2011	3+10	1578	0	872	\$268,500	\$170.15

The assessments of these properties range from \$157.18 to \$195.54 per-square-foot. Waskal's assessment of \$181.31 per-square-foot falls within the range of the compared property assessments. However, no evidence suggests the properties were recent sales and we are therefore unable to complete an assessment/sales ratio for equity analysis.

Conclusions of Law

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2015). PAAB is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case.

§441.37A(1)(b). PAAB considers only those grounds presented to or considered by the Board of Review, but determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount.

§§441.37A(1)(a-b). New or additional evidence may be introduced, and PAAB considers the record as a whole and all of the evidence regardless of who introduced it.

§ 441.37A(3)(a); *see also Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available to determine market value then "other factors," such as income and/or cost, may be considered. § 441.21(2).

To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shivers*, 257 Iowa 575, 133 N.W.2d 709 (Iowa 1965). The six criteria include evidence showing

"(1) that there are several other properties within a reasonable area similar and comparable . . . (2) the amount of the assessments on those properties, (3) the actual value of the comparable properties, (4) the actual value of the [subject] property, (5) the assessment complained of, and (6) that by a comparison [the] property is assessed at a higher proportion of its actual value than the ratio existing between the assessed and the

actual valuations of the similar and comparable properties, thus creating a discrimination.”

Id. at 711. The *Maxwell* test provides that inequity exists when, after considering the actual and assessed values of comparable properties, the subject property is assessed at a higher proportion of this actual value. *Id.* The *Maxwell* test may have limited applicability now that current Iowa law requires assessments to be at one hundred percent of market value. § 441.21(1). Nevertheless, in some rare instances, the test may be satisfied.

Waskal did not assert the Assessor failed to uniformly apply an assessing method to similarly situated or comparable properties. Further, Waskal offered no evidence of the subject’s fair market value, such as an appraisal, comprehensive market analysis, or recent sales of comparable properties. Because there is no evidence of the subject’s market value and no evidence of sufficient comparable sales, we were unable to develop an assessment/sales ratio for Waskal’s property as required by *Maxwell* to complete the equity analysis.

Order

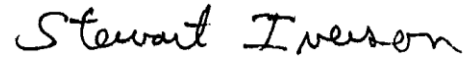
IT IS THEREFORE ORDERED that the Polk County Board of Review’s action is affirmed.

This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2015). Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action. Any judicial action challenging this Order shall be filed in the district court where the property is located within 20 days of the date of this Order and comply with the requirements of Iowa Code sections 441.38; 441.38B, 441.39; and Chapter 17A.

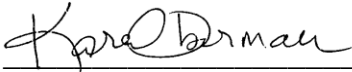
Dated this 21st day of March, 2016.



Jacqueline Rypma, Presiding Officer



Stewart Iverson, Board Chair



Karen Oberman, Board Member

Copies to:

Shannon Waskal

Mark Taylor